

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 3345 of 1998

Between:

Divisional Manager, APSRTC, Rajahmundry
East Godavari District

..... PETITIONER

AND

- 1 State Transprot Appellate Tribunal, rep. by its Presiding officer
AP., Hyderabad ,
- 2 Regional Transport Authority,
East Godavari atAP., Hyderabad ,
- 3 M.Dharamayya S/o Nargeswara Rao
9-15-10/5 , Satya Prasanna Nagar, Kakinada, East Godavari District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate Writ, order or direction , especially in the nature of a Writ of certioarari, calling for the records relating to the impugned order dt.17/07/97 made in AP.No.316/95 on the file of theState Transport Appellate Tribunal,AP. Hyderabad setting aside the order dt.18/09/1995 in item No.84 in R.No.22551/A1/93 of the Regional Transport Authority, East Godavari District, Kakinada and directing issue of permit to 3rd respondent on the town service route, peddapuram MunicipalOffice to Unduru, and quash the same as being illegal, without jurisdiction and invalied, and pass.

Counsel for the Petitioner:MR.K.HARINATH

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

It is represented by the learned counsel for the petitioner and admitted by the learned Government Pleader for Transport that the issue raised in this writ petition is squarely covered by a Division Bench judgment of this Court in W.P.No. 9649 of 1998 and batch dated 23-03-2001, wherein the Division Bench of this Court held as under:-

“In view of the directions of the Supreme Court, the applications filed by the petitioners are restored and the same continue to be pending on the file of the Regional Transport Authority. The petitioners shall file their applications before the Transport Commissioner within a period of two weeks from today. On receipt of such applications, the Transport Commissioner shall consider the same and pass appropriate orders in accordance with the rules within a period of four weeks thereafter. Status quo with regard to the running of the vehicles shall be maintained as obtained on this day, for a period of six weeks subject to the condition of the petitioners paying Motor Vehicle Tax for the entire quarter upto 30-6-2001. It is made clear that no equities with regard to refund of proportionate tax will be entertained in the event of the petitioners coming out unsuccessful before the Transport Commissioner. We further make it clear that as the Transport Commissioner is the only donee of the power and as it is stated that he is constituting committees, which runs contra to the mandate of the statute, the Transport Commissioner alone shall consider and dispose of the applications of the petitioners as directed above.”

Recording the above submission made by the learned counsel and following the ratio in the aforementioned judgment, this writ petition is also disposed of. No order as to costs.

N.V.RAMANA,J

20-04-2005

TVK

To

- 1 The Presiding Officer, State Transport Appellate Tribunal,
AP., Hyderabad ,
- 2 The Regional Transport Authority,
East Godavari at AP., Hyderabad ,
- 3 M.Dharamayya S/o Nargeswara Rao
9-15-10/5 , Satya Prasanna Nagar, Kakinada, East Godavari District

4) 2 CD copies

5) 2 CCs to Government Pleader for Transport, High Court of A.P. Buildings,
Hyderabad (OUT)

6) 1 CC to MR.KALLAKURI SRINIVASARAO

*Form-NIC-OGS/WP{**JPK**}*